

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

JUN 29 2005

UNITED STATES OF AMERICA

V.

JIMMY PETE MCKENDREE

CR. NO.

[18 USC 922 (g) (1);
18 USC 924 (c) (1) (A) (i);
21 USC 844 (a)]

INDICTMENT

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

The Grand Jury charges:

COUNT 1

On or about November 29, 2004, in the Middle District of
Alabama,

JIMMY PETE MCKENDREE,

defendant herein, having been previously convicted in a court, of a crime punishable by imprisonment for a term in excess of one year, to-wit: Unlawful Manufacturing of a Controlled Substance in the Circuit Court of Lee County (CC 03-529); and Escape 2nd , knowingly and willfully possessed a firearm, in and affecting commerce, that is a Ruger, model Super Redhawk, .44 magnum revolver, serial # 550-20471, and ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 2

On or about November 29, 2004, in the Middle District of Alabama,

JIMMY PETE MCKENDREE,

defendant herein, knowingly used and carried a firearm and
ammunition during and in relation to and possessed a firearm and

ammunition in furtherance of, a drug trafficking crime for which he may be prosecuted in a court of the United States, to-wit: manufacture of a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 3

On or about November 29, 2004, in the Middle District of Alabama,

JIMMY PETE MCKENDREE,
defendant herein, did knowingly and intentionally possess a mixture of a substance containing methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 844(a).

FORFEITURE ALLEGATION

A. Counts 1 thru 3 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(1), as alleged in Count 1 of this indictment, the defendant,

JIMMY PETE MCKENDREE,
shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

a Ruger, model Super Redhawk, .44 magnum revolver, serial # 550-20471, and ammunition.

C. Upon conviction for the violation of Title 18, United States Code, Section 924(c)(1)(A), as alleged in Count 2 of this indictment, the defendant,

JIMMY PETE MCKENDREE,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

a Ruger, model Super Redhawk, .44 magnum revolver, serial # 550-20471, and ammunition.

D. If any of the property described in this forfeiture allegation, as a result of any act an omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred, sold to, or deposited with a third person;


(3) has been placed beyond the jurisdiction of the court;


(4) has been substantially diminished in value; or,

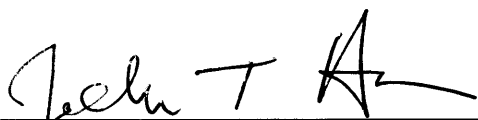
(5) has been commingled with other property which cannot be divided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an Order of this Court forfeiting any other property of said defendant up to the value of the property described in paragraphs B and C above,


all in violation of Title 18, United States Code, Sections 922 and 924(d).

A TRUE BILL:


Foreperson


LEURA GARRETT CANARY
UNITED STATES ATTORNEY


John T. Harmon
Assistant United States Attorney


Susan R. Redmond
Assistant United States Attorney